

allowed the interview at his discretion so that the nature of the invention could be more clearly understood and for search and grouping purposes.

As stated in Applicants June 29, 2001, response to the restriction, and as discussed with Examiner VanderVegt, the original grouping of the first six groups of claims (i.e., Groups I-VI, claims 1-149) were actually a single invention directed to artificial presenting cells and their composition and should have been grouped into one group, e.g. Group I. We noted that since the restriction of record listed identical classification of the claims, there would likely be no additional or extensive burden place on the Examiner's time to conduct a collective search for the claims grouped as one related set.

As the Interview Summary of record states, Mr. VanderVegt had such a regrouping under consideration. It is our understanding that had he been able to issue a detailed office letter before his untimely departure, the claims of Groups I-VI would have been consolidated into one Group.

In our response, we also requested that the method claims of group VII be kept with the aAPC composition claims for prosecution in this application as the claims were also listed as being within the same search groups and because the method invention claimed in Group VII lacked any requisite distinction.

In any event, Mr. VanderVegt was aware that we would be going forward with such claims, i.e. aAPC composition claims (and the related method claims if allowed to be kept in the present application), for election. Since it was clear we were intending to prosecute such claims in the current application, we did not make a formal election of the claims as first grouped by Mr. VanderVegt at the time of our response as we understood the grouping of the claims might change. Rather, we cancelled the Group I-VII claims (i.e., claims 1-161) and submitted new claims (i.e., claims 220-380), anticipating that the issue of election would become moot since it was clear to Mr. VanderVegt that we were electing the aAPC composition claims first with the view to have the method claims of Group VII also considered.

Thus, as explained in the June 29, 2001, communication, and according to our interview discussions with Mr. VanderVegt, to assist in the timely prosecution and early allowance of the claims as one group, the new claims (i.e., claims 220-367) were submitted for Groups I-VI. Group VII claim replacements (i.e., new claims 368-380) were similarly presented.

As we stated for the record in our June response:

A careful review of the claim sets of each group will reveal that Applicant has merely organized the claims to the artificial APC invention into six claim sets from the broadest to the most restricted independent claims. Claims dependent respectively from each set are arranged in increasing addition and organization of the APC subcomponents. (emphasis added)

It is clear that the above quoted statement is correct because the broadest claim 1 (now new claim 220) uses the open "comprising" transition language. With the understanding that the invention for prosecution in this application is an artificial presenting cell that possesses particular attributes, it is clear that merely adding additional subcomponents in the follow-on independent and dependent claims does not here create wholly different inventions.


As further stated in the June 26 response, the PTO's long standing policy of allowing diverse and broadly structured claims for a single invention should not be ignored.

Applicants provide the new Examiner the above explanation which should make it easier to understand the present context of the presently pending claims. In light of the above, and with a view at making it easier for the Examiner to carry forward the examination of the aAPC composition claims, Applicants elect Group I claims for prosecution. Again, Applicant traverses the restriction and respectfully requests of the new Examiner reconsideration of the earlier restriction requirement with respect to claims grouped in Groups I-VI and further respectfully request that the claims of Group VII remain in this application.

No fee other than the fee required for extension of time is believe due respecting the instant response, however, if any fee is due please charge our deposit account Number 50/1273 in the appropriate amount. If the Examiner needs to reach me, my direct telephone number is (858) 720-2757.

Respectfully submitted,
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